

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston, West Virginia

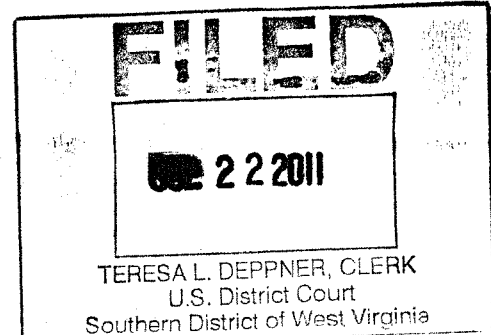
United States of America,
Plaintiff,

v

Civil Action No.: 2:10-cv-1087

WesBanco Account Nos.
xxxx3002 and xxx7905 and
\$2905.00 in United States currency.

(John F. Tomasic and Katherine A. Hoover MD,
interested parties; no criminal charges pending.)



GRAND JURY INVESTIGATION INTO ACTIONS BY AGENTS OF THE
FEDERAL GOVERNMENT AND THE UNITED STATES JUDICIARY

NOW COME John F. Tomasic and Katherine A. Hoover MD, pro se, to respond to the pleading filed by AUSA Fred B. Westfall Jr. regarding the role of the Federal Grand Jury in maintaining justice. In AUSA Westfall interpretation of the law and court rulings, federal agents and United States attorneys are above the law and nobody has oversight of their actions. The purpose of the creation of the United States of America was to create a society where all men (and now women) are created equal and have "certain inalienable rights". One of those rights is to be free of government abuse and fraud. The vehicle for enforcing those rights is the Grand Jury. The Grand Jury has the power to investigate the illegal activities of any person. The motion REQUEST FOR A GRAND JURY INVESTIGATION filed by the interested parties requested an investigation into the activities by the United States Attorney's Office for the Southern District of West Virginia and the federal agents who supplied fraudulent information to that office. The request for an investigation by a Grand Jury is a legitimate right of any United States' citizen. The Grand Jury then decides, after a thorough investigation, whether or not criminal charges should be filed. Obviously, a special prosecutor would have to be appointed if the Grand Jury found that there was enough evidence to support charges against AUSA Monica Schwartz, AUSA Betty Pullin, US attorney Booth Goodwin and federal agent Michael Smith, FBI agent James Lafferty and DEA agent Dominic Grant.

The interested parties have the right to present information of wrongdoing on the part of the federal agents, including violating West Virginia law, presenting fraudulent information, acting without subject matter jurisdiction and, upon

information and belief, causing the deaths of thirty-two patients. This information would be the beginning of a fact-finding investigation by an all ready impanelled Grand Jury.

AUSA Westfall certainly implies that as an AUSA he is above the law and that the federal agents giving him fraudulent information are also above the law. The number of patients seen at 35 West Third Ave., Williamson, West Virginia was fraudulently elevated. The number of prescriptions written was given as the number of patients. The possible billing information was fraudulently calculated from the number of prescriptions, not the number of patients. This information is documented with the West Virginia Board of Medicine. Perjury on the part of a federal agent is clearly an issue for the Federal Grand Jury that could be introduced by the United States Attorney for the Southern District of West Virginia, but the United States Attorney's office used this false information in their press releases. The United State's Attorney's office and its AUSAs could withdraw all of the fraudulent material, admit their error and request that no charges be filed in this matter. This scenario seems unlikely based on the protective behavior by the United State's Attorney's office, Magistrate Judge Mary Stanley and the federal agents involved in breaking multiple laws. This admission would make these individually liable for the deaths and harm to the former patients of Dr. Katherine Hoover and Dr. Victor Teleron. There is no immunity for criminal activity by an individual even an United States Attorney.

According to information provided to the interested parties by Judge Irene Keeley after the murder of their son, Michael Tomasic, an United States citizen may request that the Attorney General can be contacted to order a Grand Jury investigation. There never were any crimes on the part of the interested parties. The only crimes committed were: 1. By the judiciary by issuing warrants without subject matter jurisdiction over the practice of medicine; 2. Actions of the Justice Department submitting fraudulent information to obtain the search and seizure warrants; 3. The terminating of medical care for a large number of people resulting in untold suffering and multiple deaths; 4. Violating West Virginia laws.

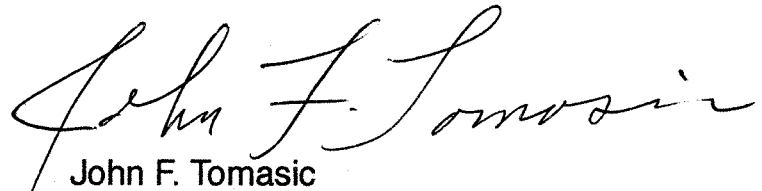
The United States Supreme Court in *Bond v United States*, June 16, 2011 has given United States citizens the ability to challenge the constitutionality of any law under the Tenth Amendment. That is what the interested parties are doing: Challenging the constitutionality of the ability of the federal government to investigate the practice of medicine, although this is actually a matter of stare decisis since the United States Supreme Court ruled that the practice of medicine is an issue of states' rights in *Gonzales v Oregon* 543 US (2006); and challenging the unconstitutional process of civil forfeiture.

The United States Attorney's office slanderously labelled the former patients as all being drug addicts which prevented them from being able to obtain legal medical care near home. The pain, suffering and deaths caused by the actions of AUSA Monica Schwartz, in this investigation with the assistance of many other

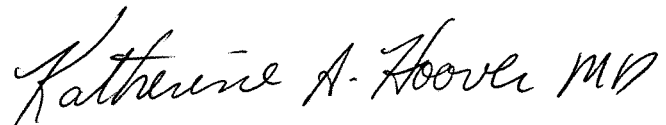
individuals, is equivalent to a serial killer. AUSA Monica Schwartz used threats and fear to force innocent doctors into pleading guilty to actions that were not crimes. This is just a small example of the corrupt practices by the judiciary, the justice department and the federal agents. There is great concern in Congress and the international community about the corruption in the federal judicial system. Senator Patrick Leahy has recently stated his concern for the corrupt functioning of the federal judicial system. The interested parties have e-mailed a full report of the actions by this court to shed daylight on the corrupt practices in this case and multiple other medical cases. After the deaths of the thirty-two patients, it is time for the illegal activity by the Southern District of West Virginia to cease. The interested parties are determined to expose this criminal behavior to the scrutiny that it deserves.

WHEREFORE, John F. Tomasic and Katherine A. Hoover MD request that a special prosecutor be appointed to present evidence to an all ready impanelled Grand Jury to further investigate the illegal practices by the above named individuals.

Respectfully submitted,



John F. Tomasic



Katherine A. Hoover MD

CERTIFICATE OF SERVICE

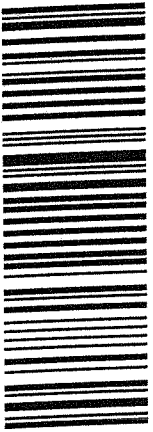
I, John F. Tomasic, do hereby certify that a true and correct copy of the foregoing motion GRAND JURY INVESTIGATION INTO THE ACTIONS BY FEDERAL AGENTS, FEDERAL PROSECUTORS, AND MAGISTRATE JUDGE MARY STANLEY has been sent to AUSA Betty Pullin and AUSA Fred B. Westfall at 300 Virginia Street Suite 4000 Charleston, WV 25301 on July 19, 2011.

A handwritten signature in cursive script, reading "John F. Tomasic". The signature is written in black ink and is positioned above the printed name and address.

John F. Tomasic
c/o Dr. Norman Gay
West Bay Street
Nassau, N.P., Bahamas
242-525-4018

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